

Eye on State and Local Compliance

Timely, topical insights on a variety of payroll and reporting issues.

August 27, 2025



State/Territory/District

Delaware Expands Anti-Bias Law

Delaware has enacted legislation that prohibits employers from discriminating against individuals on the basis of their military status. The change is a result of the enactment of House Substitute 1 and took effect immediately on **July 23, 2025**.

The Details:

Under existing law, Delaware prohibits employers with four or more employees from discriminating against individuals on the basis of race, color, religion, sex (including pregnancy), sexual orientation, national origin, disability, age (40 or older), marital status, or genetic information. House Substitute 1 amends the law to add military status to the list of protected characteristics.

Under the law, military status is defined as any of the following:

- A member of the uniformed forces, or a reserve component thereof;
- A veteran; or
- A dependent of a servicemember.

Next Steps:

- Review policies and update them if necessary.
- Train supervisors on the new law.

Minnesota Expands Break and Meal Period Requirements

Minnesota has enacted legislation that will expand the rest break and meal period requirements under state law. The changes take effect **January 1, 2026**.

The Details:

Rest Breaks:

Under current law, an employer must allow an employee adequate time from work, within each four consecutive hours of work, to use the nearest restroom.

Topics covered in this issue:

State/Territory/District

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Minimum Wage

- Minimum Wage Announcements 7/21/25 – 8/20/25

Effective January 1, 2026, an employer must allow each employee a rest break of at least 15 minutes or enough time to utilize the nearest convenient restroom, whichever is longer, within each four consecutive hours of work.

Rest breaks typically must be paid.

Meal Periods:

Under current law, an employer must "permit" employees working for eight or more consecutive hours "sufficient time to eat a meal."

Effective January 1, 2026, an employer must "allow" employees working for "six or more consecutive hours a meal break of at least 30 minutes."

Bona fide meal periods may be unpaid.

Penalty:

If an employer fails to allow a rest break/meal period as required by the law, the employer must pay the employee for the rest break/meal period time that should have been allowed at the employee's regular rate of pay, plus an additional equal amount as damages.

Next Steps:

Minnesota employers should ensure compliance with the changes by January 1, 2026.

Montana Strengthens Protections for Employees in Public Office

Montana has enacted legislation (House Bill 667), which adds protections for employees in public office. House Bill 667 is retroactive to **January 1, 2025**.

The Details:

Background:

As background, under [Montana state law](#), employers must:

- Provide employees in public office with up to 180 days of unpaid leave per year to fulfill public service duties.
Note: Employees must arrange to return to work within 10 days after completing public service leave ([with limited exceptions](#)); and
- Restore employees in public office to the positions they held before the leave (including seniority, status, compensation, hours, locality, and benefits), when an employer has 10 or more employees.

House Bill 667:

Under [House Bill 667](#), during an employee's public office leave, an employer must continue to provide health care benefits to the employee, and an employer cannot:

- Require the employee to work, or use other leave or benefits without their consent;
- Prohibit the employee from using an employer-provided phone, computer or phone number when the employer allows the personal use of those items; and
- Discriminate or retaliate against the employee for seeking election or appointment to a public office or prohibit or restrict them from seeking election or appointment.

Next Steps:

Train supervisors on the [changes under the law](#).

New Hampshire Requires Childbirth-Related Leave

New Hampshire has enacted legislation (House Bill 2), which requires certain employers to provide unpaid leave for medical appointments related to childbirth or adoption. House Bill 2 takes effect on **January 1, 2026**.

The Details:

Under the law, an employer with 20 or more employees must provide an employee up to 25 hours of unpaid leave to attend medical appointments:

- Related to childbirth or post-partum care.
- For their child's pediatric needs within the first year of the child's birth or adoption.

Note: If an employer employs both parents, the parents may be required to share this leave, meaning the parents may take a combined total of up to 25 hours of leave.

Relationship to Other Leaves:

Employees have the right to use their accrued vacation or other paid leave provided by the employer for these medical appointments.

Employee Notice Requirements:

To use the leave, an employee must:

- Provide reasonable advance notice to their employer of their need for leave.
- Make a reasonable effort to schedule their leave to avoid disrupting the employer's business operations.

Documentation:

An employer may require employees to provide documentation that demonstrates that the leave is used for its intended purpose.

Job Reinstatement:

An employee must be allowed to return to their original job following their leave.

Next Steps:

- Review and update leave policies and procedures by **January 1, 2026**.
- Train supervisors and Human Resources on the requirements under the law.

Ohio Allows Online Posting of Certain Labor Notices

The State of Ohio has enacted legislation (Senate Bill 33), which provides employers with the option to post certain state labor law notices online. Senate Bill 33 is effective immediately.

The Details:

Under the law, employers now have the option to post the following state labor law notices electronically (this option does not apply to federal posting requirements), or on the premises in plain view, in a conspicuous place, provided they are accessible to all employees:

- [The Minimum Fair Wage Standards Law](#) (covers wage and overtime requirements).
- [The Civil Rights Law](#) (covers nondiscrimination and equal opportunity). **Note:** This notice must be available to the public if posted online, but it is not required to be accessible to the public if the notice is physically posted.
- [The Prevailing Wage Law](#) (covers prevailing wage for public works projects). **Note:** Contractors and subcontractors subject to the Ohio Prevailing Wage Law's notice requirements may post the schedule of wages on the work site or on the internet in a manner accessible to their employees.
- [Workers' Compensation](#) (covers filing claims and access to benefits for work injuries).

- [The Public Employment Risk Reduction Program](#) (covers workplace safety requirements for public sector employers).
- [The Minor Labor Law](#) (covers restrictions on employing minors). **Note:** Employers must continue to post a physical list of minor employees.

Notices:

The notices will be published on the [Department of Commerce's website](#) (the Department will update these documents on an annual basis).

Next Steps:

- Review the option for posting certain labor notices online and any associated requirements.
- Monitor [the Department of Commerce website](#) for updated posting requirements.

Ohio Requires Notice Before Certain Layoffs and Plant Closures

Ohio has enacted legislation (House Bill 96), which requires employers to provide notice of certain plant closings and mass layoffs. House Bill 96 takes effect **September 29, 2025**.

The Details:

Background:

The [federal Worker Adjustment and Retraining Notification Act \(WARN\)](#) requires, among other things, covered employers to provide at least 60 calendar days' advance notice of a plant closing or mass layoff.

House Bill 96, the Ohio mini-WARN Act, largely mirrors the federal WARN Act.

The Ohio WARN Act:

Covered employers under the Ohio mini-WARN Act are defined as those:

- Employing at least 100 employees (who collectively work a minimum of 4,000 hours each week); and
- Conducting a plant closing or layoff of 50 or more employees at a single site of employment within a 30-day period.

Employer Notice Requirement:

The law requires covered employers to provide at least 60 days' advance written notice before a qualifying layoff or closure.

Note: The law contains certain exceptions, including strikes and lockouts and shortened notice periods due to:

- Unforeseeable business circumstances
- Faltering businesses
- Natural disasters

See [the text of the law](#) for further details.

The notice must be provided to each affected employee (or their authorized union representative), the director of job and family services, and the chief elected officials of the municipal corporation and the county where the plant closing or mass layoff (the "event") is to occur.

The law includes the following notice requirements:

Employees Without Union Representation:

- A detailed statement of the event and whether it is permanent or temporary;
- The expected start date of the event and the anticipated date when workers' employment will end;
- Indication of collective bargaining agreement rights and how those rights may be exercised. [See the text of the law for further details;](#)
- How employees can access unemployment insurance benefits and other assistance programs;

- The name, title and contact information of an employer representative who can answer questions about the event; and
- Available services (including job placement assistance, retraining programs or counseling).

Union Representatives of Affected Employees:

- The location of the affected facility;
- A detailed statement of the event and whether it is permanent or temporary;
- The expected start date of the event and the anticipated date when workers' employment will end; and
- The total number of employees affected by the event (including job titles or positions and impacted departments or divisions).

Director of Job and Family Services and Chief Elected Officials:

- All of the above requirements;
- A description of the actions taken (or planned) to mitigate the impact of the plant closing or mass layoff, including efforts to secure alternative employment or training for the affected employees;
- The name of each employee organization representing affected employees, and the name and address of the chief elected officer of each organization; and
- A copy of the notice that was provided to affected employees or their representatives.

Note: The director of job and family services may issue guidance and procedures for the submission and review of notices by employers.

Penalties:

The Ohio WARN Act follows [the Federal WARN Act's](#) penalty structure, which provides for repayment of employee wages and benefits for each day of a violation and penalties of up to \$500 for each day of a violation.

Next Steps:

Covered employers should review and update layoff and plant closing policies and procedures covered under the Ohio WARN Act.

Covered employers are also encouraged to consult with legal counsel to confirm their compliance with both the [federal WARN Act](#) and the [Ohio WARN Act](#).

Oregon Enacts Employee Overpayment Legislation

Oregon has enacted [SB 968](#), effective **January 1, 2026**, which provides specific guidance to employers regarding the collection of wage overpayments from employees.

Background:

Current Oregon law (ORS 652.610) provides that an employer may not withhold, deduct or divert any portion of an employee's wages unless one of the following applies:

- The employer is required to do so by law.
- The deductions are voluntarily authorized in writing by the employee.
- Deductions are for the employee's benefit and are recorded in the employer's books.
- The employee has voluntarily signed an authorization for a deduction for any other item, provided that the ultimate recipient of the money withheld is not the employer and the deduction is recorded in the employer's books.
- The deduction is authorized by a collective bargaining agreement to which the employer is a party.
- The deduction is authorized under ORS 18.736.
- The deduction is made from the payment of wages upon termination of employment and is authorized pursuant to a written agreement between the employee and employer for the repayment of a loan made to the employee by the employer.

Effective January 1, 2026, for employees not covered by a collective bargaining agreement, employers may make deductions from wages to recover erroneous overpayments under the following conditions:

- The overpayment must have occurred within the 90 days preceding the deduction.
- The employer must give at least 14 days for the employee to acknowledge the overpayment in writing.
- The employer must provide a written statement with details of the overpayment and the deduction plan, specifying that the deduction will not exceed 10 percent of the employee's gross pay per pay period, unless the employee agrees to a higher percentage.
- The employee must acknowledge receipt of this information in writing. For employees covered by a collective bargaining agreement, deductions for overpayments are permitted under the terms of the agreement.

Note: The amendments made pursuant to [SB 968](#) apply to collective bargaining agreements entered into, renewed, or extended on or after January 1, 2026.

Next Steps:

Effective January 1, 2026, Oregon employers may begin to utilize the steps provided in SB 968 to collect overpaid wages from their employees.

Rhode Island Adds New Hire Notice Requirement

Rhode Island has enacted legislation (House Bill 5679), which requires an employer to provide certain information to new hires in the form of a notice. House Bill 5679 takes effect on **January 1, 2026**.

The Details:

Background:

As background, Rhode Island employers must keep a true and accurate record of hours worked and wages paid each pay period to each employee:

- In any form required by the Rhode Island Department of Labor and Training (RIDLT).
- For at least three years after the entry of the record.

House Bill 5679:

Notice Requirements:

Beginning January 1, 2026, Rhode Island employers must provide all new hire employees a written notice, in English, that includes all of the following information:

- Rate(s) of pay (including the specific application of all additional rates);
- The basis of the pay;
- Pay frequency (e.g., hourly, daily, weekly, commission, salary, etc.);
- A list of deductions that may be made from the employee's pay;
- The number of days in the employee's pay period;
- The employee's regularly scheduled payday;
- The date on which the employee will receive their first paycheck;
- Allowances claimed for meals and lodging;
- The employee's employment status (e.g., full-time or part-time); and
- Whether the employee is exempt from minimum wage and/or overtime.

Additionally, an employer must provide the following employer information:

- Legal name and any operating names;
- Physical and mailing addresses of the employer's principal place of business;

- Telephone number; and
- All policies on sick and vacation time, personal leave, holidays and hours.

Recordkeeping:

Employers must retain a copy of the notice that is signed by the employee.

Penalties:

An employer found to have violated the law may face increasing penalties (\$400 for the first or second violation, with further penalties that may include up to one year of imprisonment).

Next Steps:

- Review and update pay and new hire policies and procedures.
- Train Human Resources on the requirements under the law by **January 1, 2026**.

Rhode Island Adds Protections for Certain Donors

Rhode Island has enacted legislation (House Bill 6065), which adds employment protections for bone marrow transplant and living organ donors. House Bill 6065 takes effect on **January 1, 2026**.

The Details:

Background:

As background, [Rhode Island provides wage replacement benefits through temporary caregiver insurance](#) to workers in businesses with 50 or more employees who take time off work to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law, grandparent or to bond with a new child.

House Bill 6065:

The law expands the reasons an employee is eligible for temporary caregiver benefits for any week in which they are unable work because they are a bone marrow transplant or a living organ donor.

The law also clarifies that the temporary caregiver benefits cover the time needed for any procedures, medical tests and surgeries related to the donation, and are limited to:

- Up to five business days to recover from a bone marrow transplant; and
- Up to 30 business days to recover from a living organ donor transplant.

Next Steps:

- Review and update temporary leave policies and procedures.
- Train supervisors on the requirements under the law by **January 1, 2026**.

Rhode Island Prohibits Captive Audience Meetings

Rhode Island has enacted legislation (House Bill 5506 SUB A), which prohibits mandatory employer-sponsored meetings regarding religious and political matters. House Bill 5506 SUB A is effective **immediately**.

The Details:

The law provides the following definitions:

- **Political Matters:** Topics that are unrelated to an employer's business or business activities, such as:
 - o Subjects relating to elections for political office, political parties, and proposals to change legislation or regulations which are not directly related to the employer's business; and
 - o A decision whether to join or support any political party, or political, civic, community, fraternal or labor organization.

- **Religious Matters:** Matters relating to religious affiliation and practice and the decision whether to join or support any religious organization or association.

Non-Retaliation:

Under House Bill 5506 SUB A, a Rhode Island employer (or the employer's agent, designee, or representative) cannot take certain actions against an employee that refuses to attend a mandatory employer-sponsored meeting to learn about the employer's views and opinions concerning religious or political matters.

The law prohibits covered employers from:

- Discharging, disciplining, penalizing (or threatening any of these actions); or
- Taking any adverse employment action against an employee, including situations where an employee refuses to listen to a speech or view a communication (such as an electronic communication).

Note: The law does not prohibit casual conversations on religious or political matters, provided participation in the conversation is not required.

Next Steps:

Review employee meeting policies and procedures and train supervisors on the changes under House Bill 5506 SUB A.

Texas Adds Nurse Staffing Protections

Texas has enacted legislation (House Bill 2187), which adds certain protections related to nurse staffing in hospitals. House Bill 2187 takes effect **September 1, 2025**.

The Details:

As background, a [general, special](#), or [mental hospital](#) cannot suspend, terminate, or otherwise discipline or discriminate against a nurse who refuses to work mandatory overtime.

House Bill 2187:

Under the law, in order to address Texas hospitals' nurse staffing problems, [the Texas Department of State Health Services](#) must provide [the Texas Health and Human Services Commission \(HHSC\)](#) with a hospital's annual nurse staffing report. Additionally, each hospital's chief nursing officer must attest to the accuracy of the information in the report.

Non-Retaliation:

Covered hospitals are prohibited from retaliating against a nurse who provides information to a nurse staffing committee or reports violations of the law to hospital management or [the HHSC](#).

Next Steps:

Covered hospitals should review and update their workplace policies and procedures and train supervisors to help ensure compliance with House Bill 2187 by **September 1, 2025**.

Texas Adds Rules for Delivery Network Companies

Texas has enacted legislation (House Bill 4215), which adds rules for Delivery Network Companies (DNCs). House Bill 4215 takes effect **September 1, 2025**.

The Details:

Background:

By way of background, the State of Texas requires [transportation network companies](#) to follow certain operating procedures. The state has extended and added certain requirements to Delivery Network Companies.

House Bill 4215:

A DNC is a business entity that offers or uses a digital network to arrange for the delivery of food, beverages or consumer goods from a restaurant or retail establishment to a delivery customer.

Note: The definition does not include a business entity that only delivers products produced by the entity or stored on the entity's premises.

Under House Bill 4215, a DNC must obtain a permit from the Texas Department of Licensing and Regulation (TDLR) and pay a required fee.

Worker Screening:

The company must also require individuals accessing the company's digital network to:

- Be at least 18 years of age;
- Have a valid government-issued photo ID or driver's license; and
- Pass a criminal background check and a review of the individual's driving record.

See [the text of the law](#) for further details and restrictions on the delivery individual's (a worker who performs a [digitally prearranged delivery](#) in Texas using the DNC's digital network) access to the DNC's digital network.

Independent Contractor Qualifications:

HB 4215 also clarifies that in order for an individual to be classified as an independent contractor:

- The DNC and delivery individual must agree to contractor status in writing; and
- The DNC may not take the following actions regarding a delivery individual:
 - o Set specific hours that they must be logged in to the company's digital network;
 - o Impose restrictions on their ability to use other delivery network companies' digital networks;
 - o Set the territory within which they may deliver; or
 - o Restrict them from engaging in another occupation or business.

Required Policies:

Under the law, DNCs must adopt and notify covered workers of the following policies for delivery individuals:

- An intoxicating substance policy that prohibits a delivery individual logged into the digital network from any amount of intoxication; and
- A nondiscrimination policy that prohibits discrimination against a customer or potential customer based on their geographic location, destination, race, color, national origin, religious belief, or affiliation, sex, disability or age.

Note: A DNC may not impose an additional charge for delivery to individuals with physical disabilities because of those disabilities.

Notice and Recordkeeping Requirements:

A DNC must include a notice concerning the company's intoxicating substance policy and how to make a complaint about a suspected violation of the policy on its internet website or digital network application. A DNC must maintain records relevant to a complaint for at least two years after the date the complaint is received.

Data Requirements:

See [the text of the law](#) for further details on the collection, use or disclosure of records and other company information.

Next Steps:

DNCs should review and update their workplace policies and procedures and train supervisors to help ensure compliance with House Bill 4215 by **September 1, 2025**.

Texas Prohibits Nondisclosure and Confidentiality Agreements for Claims of Sexual Assault

Texas has enacted legislation (Senate Bill 835), which prohibits nondisclosure and confidentiality provisions regarding sexual abuse. Senate Bill 835 is effective **September 1, 2025**.

The Details:

Under the law, nondisclosure and confidentiality provisions of any agreements (including employment and settlement agreements) that prohibit an individual from disclosing an act of sexual abuse (or facts related to sexual abuse of another individual) are void and unenforceable.

The law defines sexual abuse in:

- [Section 261.001 of the Family Code](#); or
- Certain penal laws. See [the text of the law](#) for further details.

Next Steps:

Review and update nondisclosure and confidentiality agreements and consult counsel as needed by **September 1, 2025**.

Texas Requires Human Trafficking Prevention Training for Medical Workers

Texas has enacted legislation (House Bill 742), which requires first responders to receive human trafficking prevention training. Texas has also enacted legislation (House Bill 754), which adds the same training requirement for medical assistants. The bills take effect **September 1, 2025**.

The Details:

Training:

Under the laws, the following groups must receive training (a course approved by the Executive Commissioner of the [Texas Health and Human Services Commission](#) (HHSC) on identifying, assisting and reporting victims of [human trafficking](#)):

- **First Responders:**
 - o [Fire protection workers](#)
 - o [Emergency medical services workers and emergency medical services volunteers](#). **Note:** These do not include volunteer emergency services personnel.
 - o [A peace officer or reserve law enforcement officer](#) who is performing law enforcement duties.
- **Medical Assistants:** An individual who, under the supervision of a physician, assists with patient care management, executes administrative duties and performs certain clinical procedures. [See the text of the law for further details](#).

Poster Requirements:

Emergency departments of hospitals, [covered facilities](#), and freestanding emergency medical care facilities must display a sign that is at least 11 inches by 17 inches and written in at least a 16-point font (in the form prescribed by the attorney general).

The signs must:

- Include the following statements:
 - o All health care practitioners and first responders are required to receive human trafficking prevention training.
 - o A hospital employee, covered facility, and a freestanding emergency medical care facility employee (whichever is applicable) may not be disciplined, retaliated against, or otherwise discriminated against for reporting, in good faith, a suspected act of human trafficking.
- List the following:
 - o Information on recognizing and reporting human trafficking and a list of human trafficking indicators;
 - o A phone number that the attorney general designates for reporting a suspected act of human trafficking; and
 - o Contact information for reporting suspicious activity to the [Department of Public Safety](#) (DPS).

- Be posted:
 - o In a location easily visible to all hospital, covered facility, and freestanding emergency medical care facility employees; and
 - o Separately in English, Spanish and other primary languages spoken by 10 percent (or more) of the hospital, covered facility, and freestanding emergency medical care facility employees.

Non-Retaliation:

Under the laws, covered employers cannot discipline, retaliate against or otherwise discriminate against a covered worker who, in good faith, reports a suspected act of human trafficking to:

- The facility or hospital;
- A law enforcement agency;
- The National Human Trafficking Resource Center;
- The attorney general; or
- Another appropriate authority.

Next Steps:

- Review and update workplace safety and training policies and procedures, and train supervisors on the requirements under the laws by **September 1, 2025**.
- Monitor the HHSC website for [posters and approved training courses](#).

Minimum Wage

Minimum Wage Announcements – 7/21/25 – 8/20/25

The following states or localities have announced new minimum wage increases.

State or Locality	Minimum Wage Rate	Minimum Tipped Cash Wage	Effective Date(s)	New or Updated Poster Requirement?	Notes
California	\$16.90	\$16.90*	1/1/26	Yes	Once posted found here
Denver, CO	\$19.27	\$16.27 (Food and Beverage Servers Only)	1/1/26	No	
Virginia	\$12.77	\$2.13	1/1/26	No	

*CA does not allow the use of tip credit.

[Download a PDF of a comprehensive listing of state and local minimum wage rates.](#)

ADP Compliance Resources

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